

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JOHN D. CERQUEIRA,

Plaintiff,

V.

AMERICAN AIRLINES, INC.,

Defendant.

CIVIL ACTION NO.: 05-11652 WGY

**AMERICAN AIRLINES, INC.,’S REQUEST FOR SUPPLEMENTAL  
JURY INSTRUCTION**

Pursuant to Fed.R.Civ.P. 51(a), American Airlines, Inc., (hereinafter “American”) requests that the Court instruct the jury on the law in accordance with the proposed supplemental jury instruction attached hereto.

**AMERICAN AIRLINES, INC.**

By its Attorneys,

*/s/ Michael A. Fitzhugh*

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## **CERTIFICATE OF SERVICE**

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on January 9, 2007.

/s/ *Michael A. Fitzhugh*

Michael A. Fitzhugh

**JURY INSTRUCTION NO. 33**

Captain Ehlers' Understanding of the Relevant Facts is Determinative

In determining whether Captain Ehlers' actions in removing Mr. Cerqueira for further questioning were justified, it is his perception that is determinative, because it was he who made the final removal decision.<sup>1</sup> If Captain Ehlers reasonably believed that something had taken place that warranted his actions - even if it had not - his reasonable belief is what is critical, not what actually took place.<sup>2</sup>

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<sup>1</sup> See *Dasrath v. Continental Airlines, Inc.*, No. 02-2683, slip op. at 29 (D. N.J. filed 12/27/06)

<sup>2</sup> *Id.* at 28